

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARLENE JOHANSEN,

Plaintiff,
Counterclaim Defendant,

V.

UNITED STATES OF AMERICA,

Defendant,
Counterclaim Plaintiff,

V.

NATIONAL CITY MORTGAGE CO.,
and TIMOTHY BURKE,

Counterclaim Defendants.

Case No. 04-11789-RCL

ASSENTED TO MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO TIMOTHY BURKE'S MOTION FOR SUMMARY JUDGMENT

The United States of America, through undersigned counsel, moves this Court for an extension of thirty (30) days to respond to Timothy Burke’s Motion for Summary Judgment. The grounds for this motion are that the United States has received a check in full satisfaction of Ralph Johansen’s federal income tax liabilities, and that if the check clears, the United States will have no interest in the real property that is the subject of this proceeding.

Rather than filing a response to Timothy Burke’s Motion for Summary Judgment, the United States wishes to wait and see if the check clears and then file either a disclaimer or a motion to dismiss for mootness.

Undersigned counsel has spoken to Mr. Burke and his counsel, Melissa Halbig and they have assented to the Court granting the United States until September 21, 2005 to respond to his Motion for Summary Judgment.

MICHAEL J. SULLIVAN
United States Attorney

/s/ Stephen J. Turanchik

STEPHEN J. TURANCHIK
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 55
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-6565
stephen.j.turanchik@usdoj.gov

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing Assented to Motion to Extend Time to File Response to Timothy Burke's Motion for Summary Judgment has been made upon the following by depositing a copy in the United States mail, postage prepaid, this 22nd day of August, 2005:

D. Sean McMahon
Law Office of Meilman & Costa, PC
70 Wells Avenue, Suite 200
Newton, MA 02459

Timothy J. Burke
Burke & Associates
400 Washington Street, Suite 303
Braintree, MA 02184

Melissa L. Halbig
Burke & Associates
400 Washington St., Suite 303
Braintree, MA 02184

/s/ Stephen J. Turanchik

STEPHEN J. TURANCHIK
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 55
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-6565